

Re: FW: CPRA request (DCA.2018.01.14.a)

From: [REDACTED]
To: Criswell,Tiffany@DCA<Tiffany.Criswell@dca.ca.gov>
Subject: Re: FW: CPRA request (DCA.2018.01.14.a)
Date: Friday, February 23, 2018 11:47 AM
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Hi Ms. Criswell,

I don't want to rush you if you're planning to answer. If you're not, though, I want to write a letter to the Board to ask them to consider this matter. Would you mind letting me know whether or not you plan to answer and, if so, whenabouts you might respond?

Thanks again for your help,

[REDACTED]
On Fri, Feb 16, 2018, at 10:20 AM, [REDACTED] wrote:

Dear Ms. Criswell,

Thanks for your thoughtful answer. I'm familiar with the statutes, but the problem is that they seem to me to imply the opposite of the conclusion you all seem to have reached from them.

I am only interested in business improvement districts here. These are authorized under the Streets and Highways Code at section 36600 et seq. In particular, section 36601(c) states explicitly that one of the purposes of BIDs is to fund improvements:

"It is of particular local benefit to allow business districts to fund business related improvements, maintenance, and activities through the levy of assessments upon the businesses or real property that receive benefits from those improvements."

Obviously if a BID is formed by a municipality, these improvements will be municipal improvements.

Furthermore, section 36622(n) requires the formation of a BID to be justified in part by an engineer's report:

"In a property-based district, a detailed engineer's report prepared by a registered professional engineer certified by the State of California supporting all assessments contemplated by the management district plan."

Thus the section of the Business and Professions Code that you cite, 6731(e), says in pertinent part that "Civil engineering embraces the following studies ... in connection with ... municipal improvements ... : The preparation of ... engineering reports."

And, as I said, the Streets and Highways code defines the purpose of a BID to be in part to provide municipal improvements.

Thus when your agency somehow decided, although not in writing, that the engineering reports that go along with Prop. 218 related projects do not constitute the practice of engineering, I think that you're already engaged in "creating underground regulation." There's an explicit statement in the law that says to me that they do constitute the